

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
G-1

DATE: Monday February 8, 2021

CASE NUMBER: C15-2020-0025

Y Brooke Bailey
 Y Jessica Cohen
 Y Ada Corral
 Y Melissa Hawthorne
 - VACANT
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruett
 Y Veronica Rivera
 Y Yasmine Smith
 Y Michael Von Ohlen
 - Kelly Blume (Alternate)
 - Vacant (Alternate)
 - Donny Hamilton (Alternate)

APPLICANT: David Cancialosi

OWNER: John A Riley

ADDRESS: 3707 RIVERCREST DR

VARIANCE REQUESTED: The applicant is requesting variance(s) from the Land Development Code:

(a) 25-2-492 (*Site Development Regulations*) from setback requirements to decrease the minimum front yard setback from 40 feet (required) to 10 feet 5 inches (requested for stairs), and 20 feet (requested for new garage). No structure currently existing.

(b) Section 25-2-551 (*Lake Austin District Regulations*) (E) (2) to increase maximum impervious cover on a slope gradient more than 35 percent from 0 (zero) percent (not allowed) to 11.5 percent (requested) in order to erect a Single-Family Residence in a "LA", Lake Austin zoning district.

Note: LDC Section 25-2-551 (E) (2) On a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: Jan 11, 2021 **Board Member Jessica Cohen motions to postpone to February 8, 2021 due to technical difficulties, Board member Michael Von Ohlen seconds on a 9-0 vote; POSTPONED TO February 8, 2021 DUE TO TECHNICAL DIFFICULTIES.**

Feb 8, 2021 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Darryl Pruett motions to Grant with conditions including the creation of a Stormwater Management Plan (including Construction Mitigation Plan/Run-off Protection), Erosion Control and Rainwater Capture (for impervious cover in excess of that allowed without the variance) for review and approval by city staff; Board Member Michael Von Ohlen seconds on a 10-0 vote; GRANT WITH CONDITIONS INCLUDING THE CREATION OF A STORMWATER MANAGEMENT PLAN (INCLUDING CONSTRUCTION MITIGATION PLAN/RUN-OFF PROTECTION), EROSION CONTROL AND RAINWATER CAPTURE (FOR IMPERVIOUS COVER IN EXCESS OF THAT ALLOWED WITHOUT THE VARIANCE) FOR REVIEW AND APPROVAL BY CITY STAFF.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the LA zoning category was created capturing all land 500' landward of the 504.9' contour line, newly zoned or rezoned most parcels to LA zoning category, parcel has a small residences which needs to be demolished, site is not compliant with LA zoning standards, lot width, lot size, over 80% of the lot has slope in excess of 35%, unbuildable without a variance.

2. (a) The hardship for which the variance is requested is unique to the property in that: there is no other lot in the area which has been encumbered in this manner via slope, safety concerns and non-compliance to this degree.

(b) The hardship is not general to the area in which the property is located because: no other lot in the area which has been encumbered in this manner via slope, safety concerns and non-compliance to this degree.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the proposed replacement structure will reduce the degree of non-compliance which has existed for forty years, a substantial portion of the lots and residences of them within the Rivercrest neighborhood are non-compliant or have received variance approval to allow redevelopment of a substandard lot or non-compliant footprint, a new replacement residence will ensure a proper septic system, safe and updated building materials compliant with current International Residence Code (IRC) removal from the electrical easement, will stabilize the hill.


Elaine Ramirez
Executive Liaison

Diana Ramriez for
Don Leighton-Burwell
Chairman

Rainwater Harvesting Compensation for excess impervious cover (IC)

Required:

1. Rain tank 2.6 times greater in gallons than number of square feet in excess of IC limit

This formula calculates the number of gallons required to provide flood mitigation plus a factor of safety

Example: 5,000 sq.ft. lot with 45% IC limit permitted by Code is granted a variance to build 46% IC

Therefore: $5,000 \times 0.45 = 2,250$ sq.ft. (Code) vs. $5,000 \times 46\% = 2,300$ sq.ft. (allowed by variance)

Therefore: $2,300 - 2,250 = 50$ sq.ft. over Code limit

Therefore: 50 sq.ft. over limit $\times 2.6 = 130$ gallon rain tank required (minimum)

Result: Applicant installs a 150-gallon rain tank or two 75-gallon rain barrels

2. Guttering installed on an area of roof in square feet at least as large as the number of gallons of the rain tank

Example: Applicant ensures that roof area draining at least 150 sq.ft. drains via gutters to the 150-gallon tank

Or two separate areas draining at least 75 sq.ft. each drain to rain gutters to the two rain barrels.

3. Outflow from tank directed to a safe drainage conveyance where won't adversely impact neighboring properties

Calculation Table

Impervious Cover sq.ft. overage	Minimum Gallons of Rain Tank Volume Required
50	130
100	260
200	520
300	780
400	1,040
500	1,300
600	1,560
700	1,820
800	2,080
900	2,340
1,000	2,600
2,000	5,200
3,000	7,800
4,000	10,400
5,000	13,000